

## NOTICE OF INTENT

### Department of Revenue

#### Office of Alcohol and Tobacco Control

Regulation IX – Prohibition of Certain Unfair Business Practices (LAC 55:VII.317)

In accordance with the provisions of the Administrative Procedure Act, R.S. 26:792, the Department of Revenue, Office of Alcohol and Tobacco Control (ATC), proposes to amend LAC 55:VII, Subpart 3, Beer and Liquor, Chapter 3, Section 317, relative to the marketing and sale of alcoholic beverages in Louisiana. This proposed Rule is promulgated in accordance with the authority delegated in R.S. 26:307(E) and R.S. 26:308(E) that allow the commissioner to promulgate rules related to the requirements and qualifications for delivery of alcoholic beverages.

#### Title 55

#### PUBLIC SAFETY

#### Part VII. Alcohol and Tobacco Control

#### Subpart 3. Beer and Liquor

#### Chapter 3. Liquor Credit Regulations

#### §317. Regulation IX – Prohibition of Certain Unfair Business Practices

A. – C.2.b.ii. . . .

iii. Product displays may be furnished by an industry member to a retailer, provided that the total value of all product displays furnished by an industry member may not exceed \$155 per brand in use at any one time in any one retail establishment. Product display are racks, bins, barrels, casks, shelving, and the like from which alcoholic beverages are displayed or sold. Product display also includes refrigerated coolers which serve as only a temperature-controlled product display for exclusively spirits or liquor. Product displays shall bear conspicuous, ~~and~~-substantial, and permanently inscribed or securely affixed advertising matter.

C.2.c. – E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:150.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:671 (June 1994), amended by the Department of Revenue and Taxation, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:1344 (June 2005), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 35:89 (January, 2009), LR 38:1286 (May 2012), LR 38:2938 (November 2012), LR 42:66 (January 2016), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR \_\_

### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

### **Small Business Analysis**

Pursuant to R. S. 49:965.6, methods for reduction of the impact on small business as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

### **Public Comments**

All interested persons may submit written comments through August 10, 2021, to Heather M. Royer, Office of Alcohol and Tobacco Control, 7979 Independence Blvd., Suite 101, Baton Rouge, Louisiana 70806 or to [heather.royer@atc.la.gov](mailto:heather.royer@atc.la.gov).